

Remarks

Claims 1-5, 7-9, 11, 13-15, 38, 143-146, 148-150, 152, 154-156, and 180-182 have been canceled.

Claims 31, 54, 61, 141, 142, and 176-179 have been amended.

New Claims 186-206 have been added.

Claims 31, 54, 61, 129-132, 134-136, 138, 140-142, 157-160, 162-164, 166, 168-170, and 176-179, and 183-206 remain in the application.

Claim 31 has been rewritten in independent format. No change in the scope of Claim 31 is intended by this amendment.

Claim 54 has been rewritten to incorporate the limitations of Claim 38, which has now been canceled. Claim 54 has also been revised to now depend from Claim 31 rather than from canceled Claim 38. No change in the scope of Claim 54 is intended by this amendment.

Claim 61 has been amended to now depend from Claim 31 rather than from canceled Claim 1.

The amendments to Claims 141 and 142 correct minor clerical errors in the drafting of those Claims. No change in scope is intended by these amendments.

The amendments to Claims 176-179 conform the format of those process Claims to the format that has been used for many of the other process Claims. These amendments are made for purposes of clarity only. No change in scope is intended by these amendments.

Basis for new Claim 186 is found, for example, in the specification at page 29, lines 9-14.

Basis for new Claims 187-198 is found throughout the specification, including, for example, the specification at page 29, lines 9-14; and Claim 38 as originally filed.

Basis for new Claims 199-203 is found throughout the specification, including, for example, the specification at page 29, lines 9-14; and Claim 61 as originally filed.

Basis for new Claims 204-206 is found throughout the specification, including, for example, the specification at page 29, lines 9-14; and Claims 63, 65, and 67, respectively, as originally filed.

On a clerical matter, please note that Claims 171-175 were canceled by the October 4, 2004 amendment. The December 22, 2004 Office Action had listed Claims 171-175 as still being pending.

If any extension of time is required, please consider this paper a petition for the total extension of time required.

It is believed that no fee is due in connection with this paper. In the event that a fee is due, kindly refer to the general Deposit Account Authorization previously filed with the application.

Reexamination and reconsideration of the application, as amended, are respectfully requested.

Preliminary Comments; and a Request to the Examiner

Applicant's intent in presenting these amendments is not to surrender the canceled subject matter. To the contrary, it is Applicant's present intention to pursue the canceled subject matter in one or more continuation applications. Rather, the intention is to accelerate the prosecution of this application, to try to obtain prompt allowance. Commercial embodiments of some of the claimed inventions are currently on the market; and unauthorized, infringing activity is believed to be occurring, at least on a small scale. The prompt allowance of a patent having Claims that would cover both the commercial embodiments and the suspected infringements could help to protect the Applicant's rights, before infringing activity became more widespread.

The current amendments are intended to satisfy the substance of the various objections raised in the December 22, 2004 Office Action. It is accordingly hoped that this Amendment will result in the prompt allowance of the pending Claims. In the alternative, should the Examiner identify any remaining issues, the Examiner is

respectfully requested to contact the undersigned to schedule a telephone interview before further action is taken, to discuss whether it might be possible to resolve any such issues quickly, and to conclude the prosecution of this application.

The Restriction Requirement

New Claims 186-206 all correspond to elected Group I, as identified in the December 3, 2002 Restriction Requirement.

The Written Description and Enablement Rejections

The December 22, 2004 Office Action entered three grounds of rejection: (1) a written description rejection, (2) an enablement rejection, and (3) a provisional obviousness-type double patenting rejection. Without conceding any of these points, and while reserving the right to present the canceled subject matter in one or more continuation applications, in the interest of accelerating prosecution Applicant has now canceled all Claims that the December 22, 2004 Office Action had rejected on written description and enablement grounds. The present amendment thus renders moot all pending grounds of rejection, other than the provisional double patenting rejection.

Please note that new dependent Claims 186-206 are all process Claims, and that each of these Claims defines a method of using the rice plant of Claim 31. The Office has previously acknowledged that the specification provides an enabling written description for the rice plant of Claim 31. It is respectfully submitted that no new written description or enablement issues are presented by dependent Claims 186-206, each of which is directed to a process for using the rice plant of Claim 31.

It is respectfully submitted that the written description and enablement rejections should both be withdrawn.

The Provisional Obviousness-Type Double Patenting Rejection

Claims 31, 54, 129-132, 134-136, 138, 140-142, 157-160, 162-164, 166, 168-170, and 183-185 were provisionally rejected under the doctrine of obviousness-type double patenting over certain Claims of co-pending application S.N. 09/934,973.

Without waiving Applicant's right to present alternative arguments in the future, it is respectfully submitted that this provisional ground of rejection is now moot, and should be withdrawn accordingly.

The Office's attention is respectfully directed to M.P.E.P. § 804, Subpart (I)(B). A "provisional" double patenting rejection is, as its name implies, a conditional ground of rejection. A "provisional" rejection does not stand on the same footing as a "regular" rejection. If the conditions are never satisfied that might cause it to mature into a "regular" rejection, then the "provisional" rejection should be withdrawn.

More specifically, M.P.E.P. § 804, Subpart (I)(B) provides that if a provisional double patenting rejection is the only rejection that remains in an application, then the provisional double patenting rejection should be withdrawn and the application should be allowed to issue. (If otherwise appropriate, a "regular" double patenting rejection might then be entered in the co-pending application that had not yet been allowed. However, such a potential rejection would in fact be moot in the '973 application, because of the terminal disclaimer previously filed in that case.)

The Examiner is respectfully requested to telephone the undersigned to discuss this question further if: **(1)** the sequence of events is such that the Office allows the '973 application before the present application has been allowed; and if **(2)** the Office agrees that all other grounds of rejection should be withdrawn in the present application, other than the provisional obviousness-type double patenting rejection; and if **(3)** the Office does not otherwise agree that the provisional obviousness-type double patenting rejection should be withdrawn. Under those circumstances, it is possible that Applicant might consider the possibility of

submitting a terminal disclaimer by fax, in order to expedite the conclusion of prosecution.

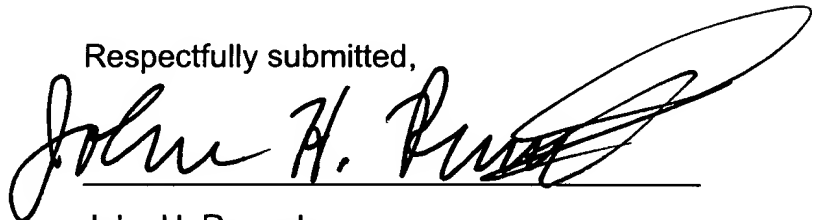
Otherwise, if the present application is in all other respects in condition for allowance before the '973 application, then M.P.E.P. § 804, Subpart (I)(B) makes it clear that the provisional obviousness-type double patenting rejection should be withdrawn in the present application, and that the present application should be allowed to issue.

Conclusion

Allowance of all pending Claims at an early date is respectfully requested.

In the alternative, should the Examiner identify any remaining issues, the Examiner is respectfully requested to contact the undersigned to schedule a telephone interview before further action is taken, to discuss whether it might be possible to resolve any such issues quickly, and to conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John H. Runnels", is written over a horizontal line.

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